



20 JUL 2006

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In re Application of :
KAUL, Vijay Kumar *et al* :
Application No.: 10/508,995 :
PCT No.: PCT/IB02/01205 :
Int. Filing Date: 25 March 2002 :
Priority Date: 25 March 2002 :
Attorney Docket No.: 056859-0201 :
For: ESSENTIAL OIL WITH CITRONELLOL :
AND ROSE OXIDES ... :

DECISION

This is a decision on the papers filed on 25 May 2006 which have been treated as a renewed petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 20 December 2005, a decision dismissing applicant's petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 21 October 2005, applicants filed a request for reconsideration which was accompanied by, *inter alia*, four-month extension and fee and a copy of a court order for the deceased inventor.

DISCUSSION

Applicants previously submitted a declaration executed by five of the six named inventors. The fifth-named inventor (Hans Raj Negi) was listed as deceased and the signature block left blank.

A decision mailed 20 December 2005 noted that a legal representative or heir(s) of the deceased inventor must execute the declaration for the deceased inventor. The citizenship, residence and address of the legal representative(s) must be recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

In the renewed response, applicants have provided a court order showing that the legal representative of Dr. Negi is Mrs. Nartan Devi, grandmother of the minor heirs, Viraj Negi and Rudrakash Negi. However, petitioners have not submitted a

declaration signed by Mrs. Nartan Devi as required. Petitioners explain that "the following submission is the best possible evidence available and requests that the application be allowed to proceed."

Section 409.03(c) of the MPEP states, in part:

37 CFR 1.47 does apply where a known legal representative of a deceased inventor cannot be found or reached after diligent effort, or refuses to make application. In such cases, the last known address of the legal representative must be given.

Here, the legal representative of the deceased inventor is known. As such, the procedures outlined in 37 CFR 1.47(a) should be followed if Mrs. Nartan Devi cannot be located or refuses to cooperate.

CONCLUSION

For the reason listed above, applicants' renewed petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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